

ANDREW H. SCHAPIRO
A. JOHN P. MANCINI
MATTHEW D. INGBER
BRIAN M. WILLEN
MAYER BROWN LLP
1675 Broadway
New York, New York 10019
(212) 506-2500

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Figueira Decl. Tab

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DAVID H. KRAMER
MAURA L. REES
MICHAEL H. RUBIN
BART E. VOLKMER
WILSON SONSINI GOODRICH & ROSATI, P.C.
650 Page Mill Road
Palo Alto, California 94304
(650) 493-9300

*Attorneys for Defendants YouTube, Inc.,
YouTube, LLC and Google Inc.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
THE FOOTBALL ASSOCIATION PREMIER :
LEAGUE LIMITED and BOURNE CO., et al., on :
Behalf of themselves and all others similarly :
Situated, : 07 Civ. 3582 (LLS)
Plaintiffs, : (related case no. 07 Civ. 2103 (LLS))
v. :
YOUTUBE, INC., YOUTUBE, LLC and :
GOOGLE INC., :
Defendants. :
-----X

**DEFENDANTS' "HIGHLY
CONFIDENTIAL" RESPONSES
AND OBJECTIONS TO
PLAINTIFFS' SECOND SET
OF INTERROGATORIES**

or Recommended for You features on the YouTube website, and if so, state which feature and

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when it was featured.

RESPONSE TO INTERROGATORY NO. 4 (SET 2):

YouTube objects to this interrogatory to the extent it seeks information that is not readily accessible to YouTube without excessive burden and cost. YouTube objects to this interrogatory as overbroad, oppressive, harassing and unduly burdensome to the extent it seeks highly detailed information. YouTube objects to this interrogatory because it seeks information that is neither relevant to the claims or defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. YouTube objects to this interrogatory because it is compound and the number of its distinct subparts exceeds 25. YouTube objects to this interrogatory because it is vague and ambiguous, including in its use of the terms “promoted,” “featured,” and “when it was featured.”

Notwithstanding and without waiving any of the foregoing objections or its General Objections, YouTube responds that, based on the information reasonably available to YouTube, the only videos identified by Plaintiffs as an alleged infringement of a work-in-suit that have ever been promoted or featured by YouTube are the following:

<i>Video ID</i>	<i>Feature</i>	<i>Date Featured</i>
YYeJEFa-xCA	YouTube homepage	On or about Sep. 19, 2006
HPB9tq7f_1k	YouTube homepage	On or about Feb. 17, 2007

INTERROGATORY NO. 5 (SET 2):

Identify the categories of information Defendants have prompted or required YouTube users to provide when they upload a video to the YouTube website (such as title, tags,

description, category, etc.), and describe how those categories of information, including but not

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limited to whether those categories have been prompted or required, have changed over time.

RESPONSE TO INTERROGATORY NO. 5 (SET 2):

YouTube objects to this interrogatory to the extent it seeks information that is not readily accessible to YouTube without excessive burden and cost. YouTube objects to this interrogatory as overbroad, oppressive, harassing and unduly burdensome to the extent it seeks highly detailed information. YouTube objects to this interrogatory because it seeks information that is neither relevant to the claims or defenses in this action nor reasonably calculated to lead to the discovery of admissible evidence. YouTube objects to this interrogatory because it is compound and the number of its distinct subparts exceeds 25. YouTube objects to this interrogatory because it is vague and ambiguous, including in its use of the terms “YouTube users,” “categories of information,” “prompted or required YouTube users to provide,” “whether those categories have been prompted or required,” and “changed over time.”

Notwithstanding and without waiving any of the foregoing objections or its General Objections, YouTube responds that, based on the information reasonably available to it at present, in addition to the information YouTube collects from its users upon registration and at various other times and places during their use of the YouTube service, YouTube has collected the following unverified information from general registered users upon the upload of videos beginning approximately on the dates indicated:

<i>Information Collected From Users When Uploading a Video</i>	<i>Approximate Date Collection Began</i>
provide keywords	2005
provide title	2005
provide description	2005
option to select 1-3 video categories (e.g., “autos,” “how-to,” etc.)	2005
option to set video as private	2005

<i>Information Collected From Users When Uploading a Video</i>	<i>Approximate Date Collection¹ Began</i>
define a list of contacts to share with if private video	2005
option to select 1-3 categories changed to just 1 category	2006 (approx. June)
option to specify video language	2007 (approx. August)
option to specify location video recorded using Google Maps	2007 (approx. June)
option to specify date on which video was recorded	2007 (approx. June)
option to disallow comments or moderate comments	2007 (approx. June)
option to disallow ratings	2007 (approx. June)
option to disallow or moderate responses	2007 (approx. June)
option to disallow embedding	2007 (approx. June)
option to disallow viewing on mobile phones	2007 (approx. October)
option to disallow comment ratings	2007 (approx. November)

YouTube is not currently aware of further changes that were made to the categories of information collected by YouTube from general registered users at the time of video upload through June 2008.

Dated: 1/11/2010
 New York, NY

DHK

Andrew H. Schapiro
 A. John P. Mancini
 Matthew D. Ingber
 Brian M. Willen
 MAYER BROWN LLP
 1675 Broadway
 New York, New York 10019
 (212) 506-2500

David H. Kramer
 Maura L. Rees
 Michael H. Rubin
 Bart E. Volkmer
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 Palo Alto, California 94304
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VERIFICATION

I, Jake McGuire, have read the foregoing Responses and Objections to Plaintiffs' Second Set of Interrogatories. I am informed and believe that the answers therein are true and correct to the best of my knowledge, information and belief, based on information currently available to me, and on that ground verify them.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: January 8, 2010



Jake McGuire